

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:	§ Group Art Unit: 2142
	§
Michael J. Duigou, et al.	§ Examiner: Blair, Douglas B
	§
	§ Atty. Dkt. No.: 5181-72300
	§ P5096
Serial No. 09/656,588	§
	§
	§
Filed: September 7, 2000	§
	§
For: Method and Apparatus	§
for Proximity Discovery	§
of Services	§

**APPEAL BRIEF**

**Mail Stop Appeal Brief - Patents**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir/Madam:

Further to the Notice of Panel Decision mailed September 24, 2007, Appellants present this Appeal Brief. **This Appeal Brief is timely filed within the one month period from the mailing date of the Notice of Panel Decision. Accordingly, no extension of time fee should be due.** Appellants respectfully request that the Board of Patent Appeals and Interferences consider this appeal.

**I. REAL PARTY IN INTEREST**

As evidenced by the assignment recorded at Reel/Frame 011068/0768, the subject application is owned by Sun Microsystems, Inc., a corporation organized and existing under and by virtue of the laws of the State of Delaware, and now having its principal place of business at 4150 Network Circle, Santa Clara, CA 95054.

## **II. RELATED APPEALS AND INTERFERENCES**

No other appeals, interferences or judicial proceedings are known which would be related to, directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

### **III. STATUS OF CLAIMS**

Claims 1-33, 35-51 and 53-54 are pending and stand finally rejected. Claims 34, and 52 have been canceled. The rejection of claims 1-33, 35-51 and 53-54 is being appealed, a copy of which, as currently pending, is included in the Claims Appendix herein below.

#### **IV. STATUS OF AMENDMENTS**

Applicants' amendment filed July 9, 2007 in response to the Final Office Action included minor amendments to claims 32, 39-51, and 53-54. As indicated in the Advisory Action dated July 27, 2007, these amendments have been entered and have overcome the previous claim objections. No other amendments have been filed subsequent to the final rejection.

## **V. SUMMARY OF CLAIMED SUBJECT MATTER**

Independent claim 1 is directed toward a method for accessing a proximity service including a client device (e.g., FIG. 6-10 and 44, items 110 and 2150) forming a direct point-to-point communication link with a service device (e.g., FIG. 6-10 and 44, items 112 and 2170) and the client device directly requesting, over the direct point-to-point communication link, to the service device a document (e.g., FIG. 44, item 2178) that describes an interface to access a service provided by the service device. As described in Appellants' specification, such as at p. 13, lines 18 – 24 for example, services on some devices, such as proximity-based services, may transmit service advertisements or other interface documents upon request. (*See e.g.*, FIG. 6, 7, 44; p. 13, line 18 – p. 14, line 12; p. 119, line 25 – p. 120, line 6; 121, line 28 – p. 122, line 7).

For instance, a service may transmit a service advertisement (e.g., FIG. 9 and 44, items 132 and 2178) in response to a connection request or a proximity service discovery message from a client (*See e.g.*, FIG. 44, 45; p. 13, line 18 – p. 14, line 12; p. 119, 11 – 23; p. 122, line 21 – p. 123, line 2). The client may send a proximity service discovery message to the service device in some embodiments (*See e.g.*, p. 15, lines 2 – 10). In other embodiments, a connection request may service as the request for the document (*See e.g.*, p. 13, lines 6 – 14; p. 14, lines 7 – 10; p. 119, lines 11-23).

The direct point-to-point communication link (e.g., FIG. 44, proximity link) may be accomplished using various communications technologies, according to various embodiments. For example, the client and server devices may communicate in an IrDA point-to-point communication environment in one embodiment. (*See e.g.*, FIG. 44; p. 120, lines 8 – 17; p. 123, line 28 – p. 122, line 7). In other embodiments, the point-to-point communication link may utilize other wireless or wired communication technologies. (*See e.g.*, p. 13, lines 20 – 24; p. 35, line 28 – p. 36, line 3; p. 119, line 27 – p. 120, line 6).

In some embodiments, a service discovery mechanism may allow clients to

discover services without using separate, widely available rendezvous points (*See e.g.*, p. 13, line 26 – p. 14, line 2). For example, a service device providing one or more services may support a proximity communication link and a client device may form a proximity communication link with the service device and directly request from the service device a document that describes an interface to access a service provided by the service device. (*See e.g.*, FIG. 44; p. 14, lines 4 – 12; p. 14, lines 24 – 30; p. 120, lines 8 - 17). For instance, a printer device with a printer service that is available on a proximity bases may transmit its service advertisement to provide an XML schema for connecting to an running the printing service on the printer device (*See e.g.*, p. 13, lines 8 – 16).

The method of claim 1 also includes the client device receiving, also over the direct point-to-point communication link, the document directly from the service device. For example, a service interface document may be provided in a response message from the service device (*See e.g.*, FIG. 44, 45, p. 14, lines 14 – 22, p. 119, lines 15 – 21).

The document may include information describing how to access the service and the client device uses the information from the document to access the service. For instance, in some embodiments, the document may include a service advertisement for the service that may include a schema, such as an XML schema for example, specifying an interface to at least a portion of the service provided by the service device. (*See e.g.*, Fig. 44 and 45; p. 14, lines 14 – 22; p. 119, lines 9 – 19; p. 122, lines 2- 7). Additionally, in some embodiments, the client may use a URI and/or protocol specified in the document, or specified in a service advertisement in the document, to send and receive messages to the service device. (*See e.g.*, p. 32, lines 6 – 18; p. 34, line 27 – p. 35, line 14; p. 36, lines 22 – p. 37, line 4; p. 38, line 25 – p. 39, lines 2; p. 45, line 27 – p. 46, line 8).

Independent claim 19 is directed toward a system including a service device and a client device. The service device is configured to support a direct point-to-point communication link and to provide a service. The client device is configured to form the direct point-to-point communication link with the service device and to directly request

from the service device a document that describes an interface to access the service. As described above regarding claim 1, services on some devices may transmit service advertisements or other interface documents upon request (*See e.g.*, FIG. 6, 7, 44; p. 13, line 18 – p. 14, line 12; p. 119, line 25 – p. 120, line 6; 121, line 28 – p. 122, line 7). The client may send a proximity service discovery message to the service device in some embodiments (*See e.g.*, p. 15, lines 2 – 10). In other embodiments, a connection request may serve as the request for the document (*See e.g.*, p. 13, lines 6 – 14; p. 14, lines 7 – 10; p. 119, lines 11-23).

The service device may also be configured to provide the document directly to the client device over the direct point-to-point communication link. For instance, a service may transmit a service advertisement in response to a connection request or a proximity service discovery message from a client (*See e.g.*, FIG. 44, 45; p. 13, line 18 – p. 14, line 12; p. 119, 11 – 23; p. 122, line 21 – p. 123, line 2).

The client device is also configured to use the information from the document to access the service. For example, the document may include a service advertisement for the service that may include a schema, such as an XML schema for example, specifying an interface to at least a portion of the service provided by the service device. (*See e.g.*, Fig. 44 and 45; p. 14, lines 14 – 22; p. 119, lines 9 – 19; p. 122, lines 2- 7). Additionally, in some embodiments, the client may use a URI and/or protocol specified in the document, or specified in a service advertisement in the document, to send and receive messages to the service device. (*See e.g.*, p. 32, lines 6 – 18; p. 34, line 27 – p. 35, line 14; p. 36, lines 22 – p. 37, line 4; p. 38, line 25 – p. 39, lines 2; p. 45, line 27 – p. 46, line 8).

Independent claim 37 is directed toward a client device including a port, such as proximity port 2156 for example, and an interface, such as client interface 2154 for example. (*See, e.g.*, FIG 44, 45, p. 121, line 28 – p. 122, line 7; p. 122, line 21 – p. 123, line 2). The port may be configured to form a direct point-to-point communication link, such as an IrDA link in one embodiment, with a service device and the interface may be



configured to directly request over the point-to-point communication link a document that describes an interface to access a service. (*See, e.g.*, FIG 44, 45, p. 121, line 28 – p. 122, line 8; p. 122, line 21 – p. 123, line 2).

For instance, a service may transmit a service advertisement in response to a connection request or a proximity service discovery message from a client (*See e.g.*, FIG. 44, 45; p. 13, line 18 – p. 14, line 12; p. 119, 11 – 23; p. 122, line 21 – p. 123, line 2). The interface may be configured to receive the document directly from the service over the point-to-point communication link and to use the information from the document to access the service. (*See, e.g.* FIG. 24, 44, 45; p. 122, lines 5 – 8; p. 122, line 21 – p. 123, line 2). For example, the document may include a service advertisement for the service that may include a schema, such as an XML schema for example, specifying an interface to at least a portion of the service provided by the service device. (*See e.g.*, Fig. 44 and 45; p. 14, lines 14 – 22; p. 119, lines 9 – 19; p. 122, lines 2 – 7). Additionally, in some embodiments, the client may use a URI and/or protocol specified in the document, or specified in a service advertisement in the document, to send and receive messages to the service device. (*See e.g.*, p. 32, lines 6 – 18; p. 34, line 27 – p. 35, line 14; p. 36, lines 22 – p. 37, line 4; p. 38, line 25 – p. 39, lines 2; p. 45, line 27 – p. 46, line 8).

Independent claim 38 is directed toward a service device including a port, such as proximity port 2172 for example, an interface, such as service interface 2174 for example, and a service unit, such as service 2176 for example. The port may be configured to form a direct point-to-point communication link with a client device. The direct point-to-point communication link may be accomplished using various communications technologies, according to various embodiments. For example, the client and server devices may communicate in an IrDA point-to-point communication environment in one embodiment. (*See e.g.*, FIG. 44; p. 120, lines 8 – 17; p. 123, line 28 – p. 122, line 7). In other embodiments, the point-to-point communication link may utilize other wireless or wired communication technologies. (*See e.g.*, p. 13, lines 20 – 24; p. 35, line 28 – p. 36, line 3; p. 119, line 27 – p. 120, line 6).

The interface may be configured to receive over the point-to-point communication link a request from a client for a document that describes an interface to access the service. For instance, a service may transmit a service advertisement in response to a connection request or a proximity service discovery message from a client (*See e.g.*, FIG. 44, 45; p. 13, line 18 – p. 14, line 12; p. 119, 11 – 23; p. 122, line 21 – p. 123, line 2). The client may send a proximity service discovery message to the service device in some embodiments (*See e.g.*, p. 15, lines 2 – 10). In other embodiments, a connection request may serve as the request for the document (*See e.g.*, p. 13, lines 6 – 14; p. 14, lines 7 – 10; p. 119, lines 11-23).

The interface may also be configured to provide the document directly from the client over the point-to-point communication link. For instance, a printer device with a printer service that is available on a proximity bases may transmit its service advertisement to provide an XML schema for connecting to an running the printing service on the printer device (*See e.g.*, FIG. 4; p. 13, lines 8 – 16; p. 14, lines 4 – 12; p. 14, lines 24 – 30; p. 120, lines 8 - 17).

The service unit may be configured to be accessed by the client according to information specified in the document. For instance, in some embodiments, the document may include a service advertisement for the service that may include a schema, such as an XML schema for example, specifying an interface to at least a portion of the service provided by the service device. (*See e.g.*, Fig. 44 and 45; p. 14, lines 14 – 22; p. 119, lines 9 – 19; p. 122, lines 2- 7). Additionally, in some embodiments, the client may use a URI and/or protocol specified in the document, or specified in a service advertisement in the document, to send and receive messages to the service device. (*See e.g.*, p. 32, lines 6 – 18; p. 34, line 27 – p. 35, line 14; p. 36, lines 22 – p. 37, line 4; p. 38, line 25 – p. 39, lines 2; p. 45, line 27 – p. 46, line 8).

Independent claim 39 is directed toward a tangible, computer-accessible storage medium including program instructions that are computer-executable on a client device. The program instructions are computer-executable to implement forming a direct point-

to-point communication link with a service device and directly requesting, over the direct point-to-point communication link, to the service device a document that describes an interface to access a service provided by the service device. (*See, e.g.*, p. 160, lines 19 – 28; p. 166, line 30 – p. 167, line 5). For instance, a service may transmit a service advertisement in response to a connection request or a proximity service discovery message from a client (*See e.g.*, FIG. 44, 45; p. 13, line 18 – p. 14, line 12; p. 119, 11 – 23; p. 122, line 21 – p. 123, line 2). The client may send a proximity service discovery message to the service device in some embodiments (*See e.g.*, p. 15, lines 2 – 10). In other embodiments, a connection request may serve as the request for the document (*See e.g.*, p. 13, lines 6 – 14; p. 14, lines 7 – 10; p. 119, lines 11-23).

The program instructions are also executable to implement receiving, over the direct point-to-point communication link, the document, which includes information describing how to access the service, directly from the service device and using the information from the document to access the service. The direct point-to-point communication link may be accomplished using various communications technologies, according to various embodiments. For example, the client and server devices may communicate in an IrDA point-to-point communication environment in one embodiment. (*See e.g.*, FIG. 44; p. 120, lines 8 – 17; p. 123, line 28 – p. 122, line 7). In other embodiments, the point-to-point communication link may utilize other wireless or wired communication technologies. (*See e.g.*, p. 13, lines 20 – 24; p. 35, line 28 – p. 36, line 3; p. 119, line 27 – p. 120, line 6). A service interface document may be provided in a response message from the service device for example (*See e.g.*, FIG. 44, 45, p. 14, lines 14 – 22, p. 119, lines 15 – 21).

The document may include information describing how to access the service and the client device uses the information from the document to access the service. For instance, in some embodiments, the document may include a service advertisement for the service that may include a schema, such as an XML schema for example, specifying an interface to at least a portion of the service provided by the service device. (*See e.g.*, Fig. 44 and 45; p. 14, lines 14 – 22; p. 119, lines 9 – 19; p. 122, lines 2- 7). Additionally,

in some embodiments, the client may use a URI and/or protocol specified in the document, or specified in a service advertisement in the document, to send and receive messages to the service device. (*See e.g.*, p. 32, lines 6 – 18; p. 34, line 27 – p. 35, line 14; p. 36, lines 22 – p. 37, line 4; p. 38, line 25 – p. 39, lines 2; p. 45, line 27 – p. 46, line 8).

The summary above describes various examples and embodiments of the claimed subject matter; however, the claims are not necessarily limited to any of these examples and embodiments. The claims should be interpreted based on the wording of the respective claims.

## **VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

1. Claims 19-29, 35, 36, 39-49, 53 and 54 stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Hermann et al. (U.S. Patent 6,633,757, hereinafter “Hermann”) in view of Humpleman et al. (U.S. Patent 7,043,532, hereinafter “Humpleman”).

2. Claims 1-18, 30-33, 37, 38, 50 and 51 stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Hermann in view of Humpleman and in further view of Herman et al. (U.S. Patent 6,341,353, hereinafter “Herman ‘353’”).

## VII. ARGUMENT

### First Ground of Rejection

Claims 19-29, 35, 36, 39-49, 53 and 54 stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Hermann in view of Humpleman. Appellants traverse this rejection for at least the following reasons. Different groups of claims are addressed under their respective subheadings.

#### Claims 19 - 29:

1.     **The cited art does not teach or suggest a client device configured to form a direct point-to-point communication link with the service device and support a transport connection in addition to the direct point-to-point communication link.**

The Examiner relies on a device in Hermann having an interface for a wireless point-to-point connection to teach the client device configured to form a direct point-to-point communication link recited in claim 19 (Final Action, p. 4, citing Herman, col. 6 lines 28-46, and col. 7 lines 62-64). In regard to the client device supporting an additional transport connection, the Examiner cites Hermann, col. 9 lines 38-41, col. 14 lines 30-54, and col. 13 lines 27-31 (Final Action, pp. 3 and 5). However, all of the portions of Hermann cited by the Examiner refer to the same wireless connection. Thus, the Examiner is equating a single wireless connection with the direct point-to-point communication link and the transport connection of Appellants' claim.

However, the additional transport connection in claim 19 is not the same connection as the direct point-to-point communication link. Appellants' claim specifically recites that the client device supports a transport connection in addition to the direct point-to-point communication link. Hermann and Humpleman, whether considered singly or in combination, fail to teach a client device that supports a transport

connection in addition to the wireless connection on which the Examiner relies as a direct point-to-point communication link.

In response, the Examiner, in the Office Action dated April 16, 2007, cites column 13, lines 27-31 of Hermann, asserting, “[t]he service discovery modules [in Hermann] are able to implement ‘transport’ connections” and asserts, “the protocols are considered ‘transports.’” However, the cited portion of Hermann simply states:

Meta data are fed from the service discovery module 11 (SDM) via line 26 to the MAC unit 12. "Meta Data" refers to **information about the protocols** and/or services...

Nothing in Hermann teaches or suggests that service discovery modules are able to implement “transport” connections, as the Examiner asserts. Instead, Hermann teaches that metadata, such as information about the protocols and or services, are fed from the service discover module to the MAC unit within a single device (see FIG. 1A, to which this citation refers). Hermann is teaching, at the Examiner’s cited passage, that data, including information about protocols and services, are transferred one module to another module within a single device.

Furthermore, the Examiner is incorrect that “protocols are considered ‘transports.’” **The two concepts are clearly and distinctly differentiated in the area of computer network communications** and one of ordinary skill in the art would recognize the distinction between protocols and transports.

In the Advisory Action of July 27, 2007, pp. 2-3, the Examiner asks for a reference to Appellants’ specification in regard to the transport connection. By way of example only, Appellants refer to Fig. 24 which illustrates one embodiment of a client device 1404 having direct point-to-point communication links 1414 and an additional transport connection 1412. Transport connection 1412 is described as a network separate from the direct point-to-point communication links 1414. *See* specification, p. 124. The client device 1404 bridges transport connection 1412 to one or more of the direct point-to-point communication links 1414 so that other devices on the transport connection (e.g.,

1408, 1410) may access one or more services provided by one or more devices (e.g., 1400 or 1402) on the one or more direct point-to-point communication links 1414. In contrast, Hermann merely teaches devices that support a point-to-point wireless connection. Hermann does not teach a client device supporting a transport connection in addition to the direct point-to-point communication link, and the client device providing a bridge from the transport connection to the direct point-to-point communication link. Nor does Humpleman include any such teaching.

In the Advisory Action, p. 3, the Examiner also asks for examples of the transport connection of claim 19. The Examiner need look no further than the dependent claims which give an example of the transport connection as a network connection such as an Internet connection. *See* claims 35 and 36. The claimed client device bridges a transport connection (e.g. network connection) to a direct point-to-point communication link (e.g., wireless RF or infrared connection). Such a bridging client device is not described by the cited art.

**2. The cited art fails to teach or suggest the client device further configured to provide a bridge from the transport connection to the direct point-to-point communication link.**

Hermann in view of Humpleman does not teach or suggest a client providing a bridge between a transport connection and a direct point-to-point communication link so that the other devices may access the service. At the Examiner's cited passage (Hermann, col. 14, lines 30-54), Hermann describes that a service-providing device may offer both services of its own (i.e., native services) and composite services that are provided by a combination of service-providing devices. However, the Examiner's reliance on Hermann's composite services is misplaced. Hermann's composite services involve multiple service devices acting in a coordinated manner to perform a composite service for a client (see, column 9, lines 16-31). The **composite service** taught by Hermann, even if combined with Humpleman, is thus a service provided by the **service-providing device**.



Multiple service devices coordinated by a service-providing device to provide a **composite service** to a client is very different from a client providing a bridge from a transport connection to a direct point-to-point communication link to a particular service so that the other devices may access the service. **Hermann's composite services do not involve any sort of bridge from a transport connection to a direct point-to-point communication link.**

In response to Appellants' arguments, the Examiner asserts that Hermann discloses a device acting as a bridge between two devices, citing col. 9, lines 38-41 and col. 7, lines 62-64 (Office Action, April 16, 2007, section 7). However, Hermann's system is directed at communications among devices on a wireless local network. Hermann is not concerned with, nor does Hermann teach, bridging between a direct point-to-point communication link and a transport connection. Hermann makes this clear in the Abstract and elsewhere:

Scheme and apparatus (10) for distinguishing services offered by a service-providing device in adjacency of the apparatus (10) from services offered by a service-providing device not being in the apparatus' adjacency. **All devices--including the apparatus--are part of a wireless local network.** (Abstract)

Hermann discloses that a first device in a wireless local network may host a "composite service" that may act to **mediate** between a provider (device) in a proximity set with the first device and a second device that is in different proximity set with the first device but that does not include the provider device. The first device would relay communications over the wireless local network, and only over the wireless network, between the second device and the provider device in accordance with a wireless local network protocol that is used on the wireless network.

According to Hermann all three devices are on the **same** wireless local network and would thus all communicate in accordance with the same wireless local network protocol. The second device and the provider device are on the same wireless local network, but not within visible or other proximity of each other so that they cannot

directly communicate via the wireless local network protocol in use. See Hermann, FIG. 1, col. 4, lines 38-52; col. 5, lines 9-25. Instead, the first device (also on the same wireless local network) “mediates” between the two other devices via Hermann’s “composite services”. Hermann’s “mediation” as described is clearly and distinctly different from the notion of *bridging from a transport connection to a direct point-to-point communication link*, as is recited in claim 19.

**3. The cited art does not teach or suggest the client device directly requesting from the service device a document that describes an interface to access a service provided by the service device, the client device receiving said document directly from the service device over the direct point-to-point communication link, and the client device making said document available to other devices over the additional transport connection.**

The Examiner refers to various portions of Hermann and Humpleman in regard to these limitations. *See* Final Action p. 5. However, none of the portions of the references cited by the Examiner describe a client device requesting and receiving such a document over a direct point-to-point communication link and making the document available to other devices over an additional transport connection. As noted above, all the portions of Hermann cited by the Examiner, even if combined with Humpleman, pertain to the same wireless connection.

Moreover, Hermann teaches the use of a database of service information stored on a particular device (device 10) from which other devices may learn about, and obtain service information regarding, service provides. Devices in Hermann may request service information from the device storing the database, but do not directly request or receive from a service device a document describing an interface to access a service provided by the service device.

For instance, Hermann teaches that “service information” in his system is a “list of services” and that the “SDM 11 uses the network connection 21, 22 to obtain lists of

services from other devices and also to send/advertise the list of services provided on its own device 24” (Hermann col. 13, lines 62-65). Hermann further states, at col. 13, line 66 - col. 14 line 22:

The device 10 maintains service information. This service information can be stored in device 10 in form of service entries in service lists 61 (herein referred to as record with information about services), as schematically illustrated in **FIG. 6**. Each service entry contains: service information, and preferably a service description (e.g., input/output type) A.sub.1, A.sub.2, B.sub.1, and an associated identifier (e.g. k or m)

Furthermore, documents taught by Humpleman, even if combined with Hermann, are also not requested and received by a client device over one connection and made available to other devices over another connection.

Thus, the combination of Hermann and Humpleman clearly does not teach or suggest Appellants’ claimed invention.

#### **4. The cited art teaches away from Appellants’ invention.**

As noted above, Hermann in view of Humpleman fails to teach or suggest a client device directly requesting and receiving from a service device a document describing an interface to access a service provided by that service device. By teaching that devices obtain service information from a separate (database storing) device, Hermann not only fails to teach or suggest client devices directly requesting and receiving from a service device such information (e.g., a document describing an interface to access a service provided by the service device), **Herman teaches away** the client device receiving said document directly from the service device over the direct point-to-point communication link, and the client device making said document available to other devices over the additional transport connection.

#### **5. The Examiner has failed to provide a proper reason for combining Hermann and Humpleman.**

The Examiner asserts (Final Office Action, pp. 5-6), “it would have been obvious...to combine the teachings of Hermann regarding a method for accessing a service via a point to point link with the teachings of Humpleman regarding the use of a specific document to provide an interface for accessing the service because Hermann states that a service description should be flexible and extensible (col. 7, lines 39-40) suggesting an XML solution such as that taught by Humpleman.”

However, combining Humpleman’s disclosed use of XML with Hermann’s disclosed system would simply result in Hermann’s disclosed system using XML for some purpose. Such a combination would not result in what is recited in claim 19 of the instant application.

Furthermore, Appellants’ claim **does not recite the use of XML as a limitation**. Thus, the Examiner’s reasoning that “an XML solution such as that taught by Humpleman” when combined with Hermann would be an obvious combination that would produce something like what is recited in claim 19 of the instant application under the reasoning that “Hermann states that a service description should be flexible and extensible” is without merit.

**6. Even if the cited art were to be combined, the resulting system would not result in Appellants’ claimed invention.**

To establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP 2143.03. As shown above, **the Examiner’s combination of cited art fails to teach or suggest all the limitations of Appellants’ claim**. Furthermore, **the cited art teaches away from Appellants’ claimed invention**. For example, the cited references, alone or in combination, do not teach or suggest *wherein the client device receives a document that describes an interface to access a service directly from a service device or wherein the client device is further configured to support a transport connection in addition to said direct point-to-point communication link, and*

*to make said document available to other devices over said transport connection and provide a bridge from said transport connection to said direct point-to-point communication link so that the other devices may access the service. Furthermore, as noted above, the cited art **teaches away** from the client device receiving said document directly from the service device over the direct point-to-point communication link, and the client device making said document available to other devices over the additional transport connection.*

**Claims 35 and 36:**

**1. The cited art fails to teach or suggest wherein said transport connection comprises a network connection.**

The Examiner cites col. 14, lines 30-54 and col. 8, lines 2-7 of Hermann. However, Hermann teaches that the network connection relied on by the Examiner connects a device to the Hermann's wireless network, which the Examiner equates to the direct point-to-point communication link of Appellants' claim (see remarks regarding claim 19 above).

Thus, Hermann, even if combined with Humpleman, does not teach or suggest a transport connection, that is supported *in addition to* a direct point-to-point connection, comprises a network connection. Rather, Hermann teaches the opposite, that the direct point-to-point connection (e.g., Hermann's wireless network) that includes a network connection. Nor does Herman teach that a device may have a network connection separate from, or in addition to, the wireless network interface supported by each of Hermann's devices.

Thus, the Examiner's combination of cited art fails to teach or suggest the limitations of claim 35.

**Claims 39 - 49:**

1. The cited art does not teach or suggest a client device forming **a direct point-to-point communication link** with a service device; wherein the client device is further configured to support **a transport connection in addition to the direct point-to-point communication link.**

The Examiner relies on a device in Hermann having an interface for a wireless point-to-point connection to teach the client device configured to form a direct point-to-point communication link recited in claim 19 (Final Action, p. 4, citing Herman, col. 6 lines 28-46, and col. 7 lines 62-64). In regard to the client device supporting an additional transport connection, the Examiner cites Hermann, col. 9 lines 38-41, col. 14 lines 30-54, and col. 13 lines 27-31 (Final Action, pp. 3 and 5). However, all of the portions of Hermann cited by the Examiner refer to the same wireless connection. Thus, the Examiner is equating a single wireless connection with the direct point-to-point communication link and the transport connection of Appellants' claim.

However, the additional transport connection in claim 19 is not the same connection as the direct point-to-point communication link. Appellants' claim specifically recites that the client device supports a transport connection in addition to the direct point-to-point communication link. Hermann and Humpleman, whether considered singly or in combination, fail to teach a client device that supports a transport connection in addition to the wireless connection on which the Examiner relies as a direct point-to-point communication link.

In response, the Examiner, in the Office Action dated April 16, 2007, cites column 13, lines 27-31 of Hermann, asserting, "[t]he service discovery modules [in Hermann] are able to implement 'transport' connections" and asserts, "the protocols are considered 'transports.'" However, the cited portion of Hermann simply states:

Meta data are fed from the service discovery module 11 (SDM) via line 26 to the MAC unit 12. "Meta Data" refers to **information about the protocols** and/or services...

Nothing in Hermann teaches or suggests that service discovery modules are able to implement “transport” connections, as the Examiner asserts. Instead, Hermann teaches that metadata, such as information about the protocols and or services, are fed from the service discover module to the MAC unit within a single device (see FIG. 1A, to which this citation refers). Hermann is teaching, at the Examiner’s cited passage, that data, including information about protocols and services, are transferred one module to another module within a single device.

Furthermore, the Examiner is incorrect that “protocols are considered ‘transports.’” **The two concepts are clearly and distinctly differentiated in the area of computer network communications** and one of ordinary skill in the art would recognize the distinction between protocols and transports.

In the Advisory Action of July 27, 2007, pp. 2-3, the Examiner asks for a reference to Appellants’ specification in regard to the transport connection. By way of example only, Appellants refer to Fig. 24 which illustrates one embodiment of a client device 1404 having direct point-to-point communication links 1414 and an additional transport connection 1412. Transport connection 1412 is described as a network separate from the direct point-to-point communication links 1414. *See* specification, p. 124. The client device 1404 bridges transport connection 1412 to one or more of the direct point-to-point communication links 1414 so that other devices on the transport connection (e.g., 1408, 1410) may access one or more services provided by one or more devices (e.g., 1400 or 1402) on the one or more direct point-to-point communication links 1414. In contrast, Hermann merely teaches devices that support a point-to-point wireless connection. Hermann does not teach a client device supporting a transport connection in addition to the direct point-to-point communication link, and the client device providing a bridge from the transport connection to the direct point-to-point communication link. Nor does Humpleman include any such teaching.

In the Advisory Action, p. 3, the Examiner also asks for examples of the transport connection of claim 19. The Examiner need look no further than the dependent claims which give an example of the transport connection as a network connection such as an Internet connection. *See* claims 35 and 36. The claimed client device bridges a transport connection (e.g. network connection) to a direct point-to-point communication link (e.g., wireless RF or infrared connection). Such a bridging client device is not described by the cited art.

**2. The cited art does not teach or suggest wherein the client device is further configured to make said document available to other devices over the transport connection.**

The Examiner refers to various portions of Hermann and Humpleman in regard to these limitations. *See* Final Action p. 5. However, none of the portions of the references cited by the Examiner describe a client device requesting and receiving such a document over a direct point-to-point communication link and making the document available to other devices over an additional transport connection. As noted above, all the portions of Hermann cited by the Examiner, even if combined with Humpleman, pertain to the same wireless connection.

Moreover, Hermann teaches the use of a database of service information stored on a particular device (device 10) from which other devices may learn about, and obtain service information regarding, service providers. Devices in Hermann may request service information from the device storing the database, but do not directly request or receive from a service device a document describing an interface to access a service provided by the service device.

For instance, as described above regarding claim 19, Hermann teaches that “service information” in his system is a “list of services” and that the “SDM 11 uses the network connection 21, 22 to obtain lists of services from other devices and also to send/advertise the list of services provided on its own device 24”



(Hermann col. 13, lines 62-65). Furthermore, documents taught by Humpleman, even if combined with Hermann, are also not requested and received by a client device over one connection and made available to other devices over another connection.

**3. The cited art fails to teach or suggest the client device further configured to provide a bridge from the transport connection to the direct point-to-point communication link so that other devices may access the service.**

Hermann in view of Humpleman does not teach or suggest a client providing a bridge between a transport connection and a direct point-to-point communication link so that the other devices may access the service. At the Examiner's cited passage (Hermann, col. 14, lines 30-54), Hermann describes that a service-providing device may offer both services of its own (i.e., native services) and composite services that are provided by a combination of service-providing devices. However, the Examiner's reliance on Hermann's composite services is misplaced. Hermann's composite services involve multiple service devices acting in a coordinated manner to perform a composite service for a client (see, column 9, lines 16-31). The **composite service** taught by Hermann, even if combined with Humpleman, is thus a service provided by the **service-providing device**.

As shown above regarding claim 19, multiple service devices coordinated by a service-providing device to provide a **composite service** to a client is very different from a client providing a bridge from a transport connection to a direct point-to-point communication link to a particular service so that the other devices may access the service. **Hermann's composite services do not involve any sort of bridge from a transport connection to a direct point-to-point communication link.** Please see Appellants' arguments above regarding claim 19 for a detailed discussion rebutting the Examiner's responses to Appellants' arguments.

Moreover, according to Hermann all three devices are on the same wireless local network and would thus all communicate in accordance with the same wireless local

network protocol. The second device and the provider device are on the same wireless local network, but not within visible or other proximity of each other so that they cannot directly communicate via the wireless local network protocol in use. See Hermann, FIG. 1, col. 4, lines 38-52; col. 5, lines 9-25. Instead, the first device (also on the same wireless local network) “mediates” between the two other devices via Hermann’s “composite services”. Hermann’s “mediation” as described is clearly and distinctly different from the notion of *bridging from a transport connection to a direct point-to-point communication link*, as is recited in claim 19.

#### **4. Cited art teaches away from Appellants’ invention.**

As noted above, Hermann in view of Humpleman fails to teach or suggest a client device directly requesting and receiving from a service device a document describing an interface to access a service provided by that service device

By teaching that devices obtain service information from a separate (database storing) device, Hermann not only fails to teach or suggest client devices directly requesting and receiving from a service device such information (e.g., a document describing an interface to access a service provided by the service device), **Herman teaches away** the client device receiving said document directly from the service device over the direct point-to-point communication link, and the client device making said document available to other devices over the additional transport connection.

#### **5. The Examiner has failed to provide a proper reason for combining Hermann and Humpleman.**

As noted above regarding the rejection of claim 19, combining Humpleman’s disclosed use of XML with Hermann’s disclosed system, as relied on by the Examiner, would simply result in Hermann’s disclosed system using XML for some purpose. Such a combination would not result in what is recited in claim 19 of the instant application. Moreover, combining Humpleman’s disclosed use of XML with Hermann’s disclosed

system would simply result in Hermann's disclosed system using XML for some purpose. Such a combination would not result in what is recited in Appellants' claim.

Furthermore, Appellants' claim **does not recite the use of XML as a limitation**. Thus, the Examiner's reasoning that "an XML solution such as that taught by Humpleman" when combined with Hermann would be an obvious combination that would produce something like what is recited in claim 39 of the instant application under the reasoning that "Hermann states that a service description should be flexible and extensible" is without merit. Please refer to Appellants' arguments regarding claim 19 for a more detailed discussion of the Examiner's failure to provide a proper reason to combine the cited art.

**6. Even if the cited art were to be combined, the resulting system would not result in Appellants' claimed invention.**

As shown above, **the Examiner's combination of cited art fails to teach or suggest all the limitations of Appellants' claim**. Furthermore, **the cited art teaches away from Appellants' claimed invention**. For example, the cited references, alone or in combination, do not teach or suggest *a client device forming a direct point-to-point communication link with a service device; wherein the client device is further configured to support a transport connection in addition to the direct point-to-point communication link, wherein the client device is further configured to make said document available to other devices over the transport connection; and wherein the client device further configured to provide a bridge from the transport connection to the direct point-to-point communication link so that other devices may access the service*, as recited in Appellants claim. Furthermore, as noted above, the cited art **teaches away** from the client device *receiving said document and making said document available to other devices over the additional transport connection*.

**Claims 53 and 54:**

**1. The cited art fails to teach or suggest wherein said transport connection comprises a network connection.**

The Examiner cites col. 14, lines 30-54 and col. 8, lines 2-7 of Hermann. However, Hermann teaches that the network connection relied on by the Examiner connects a device to the Hermann's wireless network, which the Examiner equates to the direct point-to-point communication link of Appellants' claim (see remarks regarding claim 39 above).

Thus, Hermann, even if combined with Humpleman, does not teach or suggest a transport connection, that is supported *in addition to* a direct point-to-point connection, comprises a network connection. Rather, Hermann teaches the opposite, that the direct point-to-point connection (e.g., Hermann's wireless network) that includes a network connection. Nor does Herman teach that a device may have a network connection separate from, or in addition to, the wireless network interface supported by each of Hermann's devices.

Thus, the Examiner's combination of cited art fails to teach or suggest the limitations of claim 53.

**Second Ground of Rejection**

Claims 1-18, 30-33, 37, 38, 50 and 51 stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Hermann in view of Humpleman and in further view of Herman 353. Appellants traverse this rejection for at least the following reasons. Different groups of claims are addressed under their respective subheadings.

**Claims 1 - 12:**

**1. The cited art fails to teach or suggest the client device using the information from the document to access the service, wherein said using the**

**information comprises a client on the client device requesting a security credential from an authentication service specified in the document.**

The Examiner relies on Herman '353, citing column 42, line 59 to column 43, line 31. Herman '353 teaches a “smart receipt” system in which a smart receipt is delivered from a merchant to a Trusted Agent Server where it is made available to the customer. Herman '353's smart receipts electronically document a transaction between two parties.

Herman '353 teaches that “A Smart Receipt is delivered over a secure connection from the merchant to a Trusted Agent Server,” that “electronically document a transaction between two parties” and that Smart Receipts maintain a persistent connection between two parties following a successful online transaction” (col. 42, lines 55-58).

However, Herman '353 does not describe a smart receipt as having anything to do with *requesting a security credential from an authentication service specified in the document*, as recited in claim 1. The fact that Herman '353's smart receipts are “delivered over a secure connection” does not teach, suggest the specific limitation of a *client device requesting a security credential from an authentication service*, as recited in Appellants' claim. Also, a smart receipt is not included in a document that describes an interface to access a service where the document is requested and received by a client device from a service device providing the service, as recited in claim 1. The Examiner's reliance on Herman '353's smart receipts, even if combined with Hermann and Humpleman is misplaced.

In response, the Examiner argues (Advisory Action, p. 3) that Appellants' claim does not specify that the security credential is provided to the client before the service is accessed. The Examiner appears to have misunderstood Appellants' argument. Herman '353 teaches that the smart receipt is generated “to electronically document a transaction” “at the conclusion of a successful transaction.” This teaching clearly has nothing to do to do with *requesting a security credential from an authentication service specified in the document received by the client device from the service device*, as recited in claim 1.

Furthermore, the Examiner's reliance on the statement that, "[a]uthentication that uses SSL should use SSL certificates" is misplaced. This statement by Herman '353, even if combined with Hermann and Humpleman, does not teach or suggest a *client requesting a security credential from an authentication service specified in the document received by the client device from the service device*.

**Furthermore**, nowhere does Hermann, Humpleman or Herman '353 teach of suggest a document that specifies an authentication service. Herman '353 does not teach that a Smart Receipt specifies an authentication service. Herman only states, at col. 43, lines

The XML representation of the Smart Receipt is transmitted over a secure connection to the Trusted Agent Server 1906. The invention offers multiple options for transport, including Email and SSL. Authentication that uses SSL should use SSL certificates. The identity of the certificates are recorded on the Trusted Agent Database 1907. Email transport is also secure.

Herman '252 is describing secure communications between a merchant and a trusted agent server. Herman's merchant does not request a security credential from an authentication service.

Furthermore, Appellants' respectfully disagree with the Examiner's characterization of Appellants' claim language as claiming "generic authentication" (Advisory Action, page 3, last paragraph). Claim 1 does not recite generic authentication. Instead, claim 1 recites the specific limitation of the client device requesting a security credential from an authentication service as part of using information from the document to access a service.

**2. The Examiner has not provided a proper reason to combine the cited art.**

As noted above regarding the rejection of claim 19, combining Humpleman's disclosed use of XML with Hermann's disclosed system, as relied on by the Examiner, would simply result in Hermann's disclosed system using XML for some purpose. Such a combination would not result in what is recited in claim 19 of the instant application. Moreover, combining Humpleman's disclosed use of XML with Hermann's disclosed system would simply result in Hermann's disclosed system using XML for some purpose. Such a combination would not result in what is recited in Appellants' claim.

Furthermore, Appellants' claim **does not recite the use of XML as a limitation**. Thus, the Examiner's reasoning that "an XML solution such as that taught by Humpleman" when combined with Hermann would be an obvious combination that would produce something like what is recited in Appellants' claim under the reasoning that "Hermann states that a service description should be flexible and extensible" is without merit. Please refer to Appellants' arguments regarding claim 19 for a more detailed discussion of the Examiner's failure to provide a proper reason to combine the cited art.

Similarly, the Examiner has not provided a proper reason for combining Hermann and Humpleman with Herman '353. The Examiner states that it would be obvious to combine the teachings of Herman '353 with those of Hermann and Humpleman because "while not mentioned in Hermann and Humpleman, it would be reasonable to believe that a user would want some level of security." However, the vague statement regarding the Examiner's belief that a user would want *some level of security*, is not a valid reason for combining the specific features of Hermann, Humpleman and Herman '353.

**3. Even if the cited art could be properly combined, the Examiner's combination of Hermann, Humpleman and Herman '353 would not result in Appellants' claimed invention.**

To establish a *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. As shown above, the cited references, whether considered singly or in combination, do not teach or suggest *the client device using the information from said document to access the service, wherein said using the information from said document to access the service comprises a client on the client device requesting a security credential from an authentication service specified in said document.*

**Claim 13:**

**The cited art fails to teach or suggest the client receiving the security credential and including the security credential with a subsequent request to the service to access a capability of the service.**

The Examiner relies on the Smart Receipts of Hermann ‘353, citing col. 42, line 59-col. 43, line 31. However, Herman ‘353 does not teach or suggest, even if combined with the other cited art, a client receiving a security credential and including it with a subsequent request to the service to access a capability of the service. The Examiner’s reliance on the use of Secure Socket Layer (SSL) certificates with the Smart Receipts is misplaced. The use of SSL certificates in Hermann ‘353 do not involve a client including a security credential with a subsequent request to a service to access a capability of the service. Instead, the SSL certificates of Hermann ‘353 are only used for Smart Receipts that are “delivered over a secure connection from the merchant to a Trusted Agent Server, where [the Smart Receipts are] stored and [are] made available to the customer” (Herman ‘353, col. 42, lines 59-62).

Moreover, the customer (or client) in Herman ‘353, even if combined with Hermann and Humpleman, does not include the SLL certificate in a subsequent request to a service to access a capability of the service. The SLL certificates used to deliver Smart Receipts are not included in a request by a client to the service to access a capability of the service.



For at least the reasons above, the rejection of claim 13 is not supported by the cited art and removal thereof is respectfully requested.

**Claim 14:**

**The cited art fails to teach or suggest the service verifying the client security credential before allowing access to the capability.**

The Examiner relies on the SSL certificates used when delivering Smart Receipts, citing col. 42, line 59-col. 43, line 31 of Herman '353. However, the Smart Receipts, nor the use of SSL certificates, taught by Herman '353 involve a service verifying a client security credential before allowing access to a capability of the service. Instead, as noted above regarding claims 1 and 13, the SSL certificates of Herman '353 are used when delivering Smart Receipts, which are not, and do not suggest, part of a client requesting access to a capability of a service and the service verifying the client security credential included in the request before allowing access to the capability.

No mention is made in Hermann, Humpleman or Herman '353, whether considered alone or in combination, of a service verifying a client security credential before allowing access to a requested capability of the service.

Thus, the Examiner's combination of cited art fails to teach or suggest the limitation of claim 14. The rejection is therefore not supported by the cited art and removal thereof is respectfully requested.

**Claim 15:**

**The cited art fails to teach or suggest that the authentication service is provided by the service devices.**

Appellants' claim recites that the client device requests a security credential from an authentication service specified in the document that describes an interface to access a service provided by the service device (claim 1) and that the authentication service is provided by the service device.

The Examiner cites col. 42, line 59-col. 43, line 31 of Herman '353 relying the use of SSL certificates when Smart Receipts. However, nowhere does Herman '353, or any of the other cited art, describe a client requesting a security credential from an authentication service provided by the service device and specified in a document describing an interface to access a service also provided by the service device.

The Examiner relies on the service information and service lists of Herman as the documents of Appellants' claim (see, final action, p. 8, lines 1-4). However, Herman does not mention anything about a service device providing an authentication service or about a client requesting a security credential from such authentication service provided by a service device that also provides a service that the client is requesting.

Additionally, Humpleman teaches that devices, such as on a home network, may communicate with other devices to request services, but fails to mention a client requesting a security credential from the same service device that provides the client's requested service, as recited in Appellant's claim. Herman '353 also fails to teach anything regarding a client requesting a security credential from the service providing device.

Thus, Herman, Humpleman and Herman '353, whether considered singly or in combination, fail to teach or suggest the limitations of claim 15.

**Claim 16:**

**1. The cited art does not teach or suggest a client device configured to form a direct point-to-point communication link with the service device and support a transport connection in addition to the direct point-to-point communication link.**

The Examiner relies on a device in Hermann having an interface for a wireless point-to-point connection to teach the client device configured to form a direct point-to-point communication link recited in claim 16 (Final Action, p. 4, citing Herman, col. 6 lines 28-46, and col. 7 lines 62-64). In regard to the client device supporting an additional transport connection, the Examiner cites Hermann, col. 14 lines 30-54 (Final Action, p. 12). However, the cited portion of Hermann, refer to a single wireless connection. Thus, the Examiner is equating a single wireless connection with the direct point-to-point communication link and the transport connection of Appellants' claim.

Appellants' claim recites an additional transport connection in claim 19 that is not the same connection as the direct point-to-point communication link. Appellants' claim specifically recites that the client device supports a transport connection in addition to the direct point-to-point communication link. Hermann and Humpleman, whether considered singly or in combination, fail to teach a client device that supports a transport connection in addition to the wireless connection on which the Examiner relies as a direct point-to-point communication link.

The Examiner's reliance on the devices of Hermann's devices is misplaced. Please also refer to Appellants' arguments above regarding claim 19 for a more detailed discussion regarding the Hermann's wireless communication network.

Hermann fails to teach or suggest that service discovery modules are able to implement "transport" connections, as the Examiner asserts. Instead, Hermann that that metadata, such as information about the protocols and or services, are fed from the service discover module to the MAC unit within a single device (see FIG. 1A, to which this citation refers). Hermann is teaching, at the Examiner's cited passage, that data, including information about protocols and services, are transferred one module to another module within a single device.

Furthermore, as noted above regarding claim 19, the Examiner is incorrect that “protocols are considered ‘transports.’” **The two concepts are clearly and distinctly differentiated in the area of computer network communications** and one of ordinary skill in the art would recognize the distinction between protocols and transports.

**2. The cited art fails to teach or suggest the client device further configured to provide a bridge from the transport connection to the direct point-to-point communication link.**

Hermann in view of Humpleman does not teach or suggest a client providing a bridge between a transport connection and a direct point-to-point communication link so that the other devices may access the service. At the Examiner’s cited passage (Hermann, col. 14, lines 30-54), Hermann describes that a service-providing device may offer both services of its own (i.e., native services) and composite services that are provided by a combination of service-providing devices. The Examiner’s reliance on Hermann’s composite services is misplaced. Hermann’s composite services involve multiple service devices acting in a coordinated manner to perform a composite service for a client (see, column 9, lines 16-31). The **composite service** taught by Hermann, even if combined with Humpleman, is thus a service provided by the **service-providing device**.

Multiple service devices coordinated by a service-providing device to provide a **composite service** to a client is very different from a client providing a bridge from a transport connection to a direct point-to-point communication link to a particular service so that the other devices may access the service. **Hermann’s composite services do not involve any sort of bridge from a transport connection to a direct point-to-point communication link.**

The Examiner also relies on Hermann’s composite services, citing col. 9, lines 38-41 and col. 7, lines 62-64 (Office Action, April 16, 2007, section 7). However, all the

devices cooperating in a composite service are on the same local wireless network and would thus all communicate according to that wireless network protocol. The second device and the provider device of Hermann's composite service are on the same wireless local network, but not within visible or other proximity of each other so that they cannot directly communicate via the wireless local network protocol in use (Hermann, FIG. 1, col. 4, lines 38-52; col. 5, lines 9-25). Hermann's composite services simply do not involve any bridging from a transport connection to a direct point-to-point communication link. Please additionally refer to Appellants' arguments above regarding claim 19 for a more detailed discussion of Hermann's composite services.

**Claims 17 and 18:**

**The cited art fails to teach or suggest wherein said transport connection comprises a network connection.**

The Examiner cites col. 14, lines 30-54 and col. 8, lines 2-7 of Hermann. However, Hermann teaches that the network connection relied on by the Examiner connects a device to the Hermann's wireless network, which the Examiner equates to the direct point-to-point communication link of Appellants' claim (see remarks regarding claim 19 above).

Thus, Hermann, even if combined with Humpleman and Herman '353, does not teach or suggest a transport connection, that is supported *in addition to* a direct point-to-point connection, comprises a network connection. Rather, Hermann teaches the opposite, that the direct point-to-point connection (e.g., Hermann's wireless network) that includes a network connection. Nor does Herman teach that a device may have a network connection separate from, or in addition to, the wireless network interface supported by each of Hermann's devices.

The rejection of claim 17 is not supported by the cited art and removal thereof is respectfully requested.

**Claim 30:**

**1. The cited art fails to teach or suggest the client receiving the security credential and including the security credential with a subsequent request to the service to access a capability of the service.**

The Examiner relies on the Smart Receipts of Hermann '353, citing col. 42, line 59-col. 43, line 31. However, Herman '353 does not teach or suggest, even if combined with the other cited art, a client receiving a security credential and including it with a subsequent request to the service to access a capability of the service. The Examiner's reliance on the use of Secure Socket Layer (SSL) certificates with the Smart Receipts is misplaced. The use of SSL certificates in Hermann '353 do not involve a client including a security credential with a subsequent request to a service to access a capability of the service. Instead, the SSL certificates of Hermann '353 are only used for Smart Receipts that are "delivered over a secure connection from the merchant to a Trusted Agent Server, where [the Smart Receipts are] stored and [are] made available to the customer" (Herman '353, col. 42, lines 59-62).

Moreover, the customer (or client) in Herman '353, even if combined with Hermann and Humpleman, does not include the SLL certificate in a subsequent request to a service to access a capability of the service. The SLL certificates used to deliver Smart Receipts are not included in a request by a client to the service to access a capability of the service.

**2. The cited art fails to teach or suggest the service verifying the client security credential before allowing access to the capability.**

The Examiner relies on the SSL certificates used when delivering Smart Receipts, citing col. 42, line 59-col. 43, line 31 of Herman '353. However, the Smart Receipts, nor the use of SSL certificates, taught by Herman '353 involve a service verifying a client

security credential before allowing access to a capability of the service. Instead, as noted above regarding claims 1 and 13, the SSL certificates of Herman '353 are used when delivering Smart Receipts, which are not, and do not suggest, part of a client requesting access to a capability of a service and the service verifying the client security credential included in the request before allowing access to the capability.

No mention is made in Hermann, Humpleman or Herman '353, whether considered alone or in combination, of a service verifying a client security credential before allowing access to a requested capability of the service.

**Claim 31:**

**1. The cited art fails to teach or suggest the client device configured to request a security credential from an authentication service specified in the document.**

The Examiner relies on Herman '353, citing column 42, line 59 to column 43, line 31. Herman '353 teaches a “smart receipt” system in which a smart receipt is delivered from a merchant to a Trusted Agent Server where it is made available to the customer. Herman '353's smart receipts electronically document a transaction between two parties.

Herman '353 teaches that “A Smart Receipt is delivered over a secure connection from the merchant to a Trusted Agent Server,” that “electronically document a transaction between two parties” and that Smart Receipts maintain a persistent connection between two parties following a successful online transaction” (col. 42, lines 55-58).

However, Herman '353 does not describe a smart receipt as having anything to do with *requesting a security credential from an authentication service specified in the document*, as recited in claim 31. The fact that Herman '353's smart receipts are “delivered over a secure connection” does not teach, suggest the specific limitation of a *client device requesting a security credential from an authentication service*, as recited in

Appellants' claim. Also, a smart receipt is not included in a document that describes an interface to access a service where the document is requested and received by a client device from a service device providing the service, as recited in claim 31. The Examiner's reliance on Herman '353's smart receipts, even if combined with Hermann and Humpleman is misplaced.

In response, the Examiner argues (Advisory Action, p. 3) that Appellants' claim does not specify that the security credential is provided to the client before the service is accessed. The Examiner appears to have misunderstood Appellants' argument. Herman '353 teaches that the smart receipt is generated "to electronically document a transaction" "at the conclusion of a successful transaction." This teaching clearly has nothing to do to do with *requesting a security credential from an authentication service specified in the document received by the client device from the service device*, as recited in claim 31. Furthermore, the Examiner's reliance on the statement that, "[a]uthentication that uses SSL should use SSL certificates" is misplaced. This statement by Herman '353, even if combined with Hermann and Humpleman, does not teach or suggest a *client requesting a security credential from an authentication service specified in the document received by the client device from the service device*.

**Furthermore**, nowhere does Hermann, Humpleman or Herman '353 teach of suggest a document that specifies an authentication service. Herman '353 does not teach that a Smart Receipt specifies an authentication service. Herman only states, at col. 43, lines

The XML representation of the Smart Receipt is transmitted over a secure connection to the Trusted Agent Server 1906. The invention offers multiple options for transport, including Email and SSL. Authentication that uses SSL should use SSL certificates. The identity of the certificates are recorded on the Trusted Agent Database 1907. Email transport is also secure.

Herman '252 is describing secure communications between a merchant and a trusted agent server. Herman's merchant does not request a security credential from an authentication service.



**2. The cited art fails to teach or suggest the client receiving the security credential and including the security credential with a subsequent request to the service to access a capability of the service.**

The Examiner relies on the Smart Receipts of Hermann '353, citing col. 42, line 59-col. 43, line 31. However, Herman '353 does not teach or suggest, even if combined with the other cited art, a client receiving a security credential and including it with a subsequent request to the service to access a capability of the service. The Examiner's reliance on the use of Secure Socket Layer (SSL) certificates with the Smart Receipts is misplaced. The use of SSL certificates in Hermann '353 do not involve a client including a security credential with a subsequent request to a service to access a capability of the service. Instead, the SSL certificates of Hermann '353 are only used for Smart Receipts that are "delivered over a secure connection from the merchant to a Trusted Agent Server, where [the Smart Receipts are] stored and [are] made available to the customer" (Herman '353, col. 42, lines 59-62).

Moreover, the customer (or client) in Herman '353, even if combined with Hermann and Humpleman, does not include the SLL certificate in a subsequent request to a service to access a capability of the service. The SLL certificates used to deliver Smart Receipts are not included in a request by a client to the service to access a capability of the service.

**Claim 32:**

**The cited art fails to teach or suggest the service verifying the client security credential before allowing access to the capability.**

The Examiner relies on the SSL certificates used when delivering Smart Receipts, citing col. 42, line 59-col. 43, line 31 of Herman '353. However, the Smart Receipts, nor the use of SSL certificates, taught by Herman '353 involve a service verifying a client

security credential before allowing access to a capability of the service. Instead, as noted above regarding claims 1 and 13, the SSL certificates of Herman '353 are used when delivering Smart Receipts, which are not, and do not suggest, part of a client requesting access to a capability of a service and the service verifying the client security credential included in the request before allowing access to the capability.

No mention is made in Hermann, Humpleman or Herman '353, whether considered alone or in combination, of a service verifying a client security credential before allowing access to a requested capability of the service.

Thus, the Examiner's combination of cited art fails to teach or suggest the limitation of claim 32. The rejection is therefore not supported by the cited art and removal thereof is respectfully requested.

**Claim 33:**

**The cited art fails to teach or suggest that the authentication service is provided by the service devices.**

Appellants' claim recites that the client device requests a security credential from an authentication service specified in the document that describes an interface to access a service provided by the service device (claim 19) and that the authentication service is provided by the service device.

The Examiner cites col. 42, line 59-col. 43, line 31 of Herman '353 relying the use of SSL certificates when Smart Receipts. However, nowhere does Herman '353, or any of the other cited art, describe a client requesting a security credential from an authentication service provided by the service device and specified in a document describing an interface to access a service also provided by the service device.

The Examiner relies on the service information and service lists of Herman as the documents of Appellants' claim (see, final action, p. 8, lines 1-4). However, Herman does not mention anything about a service device providing an authentication service or about a client requesting a security credential from such authentication service provided by a service device that also provides a service that the client is requesting.

Additionally, Humpleman teaches that devices, such as on a home network, may communicate with other devices to request services, but fails to mention a client requesting a security credential from the same service device that provides the client's requested service, as recited in Appellant's claim. Herman '353 also fails to teach anything regarding a client requesting a security credential from the service providing device.

Thus, Herman, Humpleman and Herman '353, whether considered singly or in combination, fail to teach or suggest the limitations of claim 33.

**Claim 37:**

**The cited art fails to teach or suggest the client device using the information from the document to access the service, wherein said using the information comprises a client on the client device requesting a security credential from an authentication service specified in the document.**

The Examiner relies on Herman '353, citing column 42, line 59 to column 43, line 31. Herman '353 teaches a "smart receipt" system in which a smart receipt is delivered from a merchant to a Trusted Agent Server where it is made available to the customer. Herman '353's smart receipts electronically document a transaction between two parties.

Herman '353 teaches that "A Smart Receipt is delivered over a secure connection from the merchant to a Trusted Agent Server," that "electronically document a transaction between two parties" and that Smart Receipts maintain a persistent

connection between two parties following a successful online transaction” (col. 42, lines 55-58).

However, as shown above regarding claim 1, Herman ‘353 does not describe a smart receipt as having anything to do with *requesting a security credential from an authentication service specified in the document*, as recited in Appellants’ claim. The fact that Herman ‘353’s smart receipts are “delivered over a secure connection” does not teach, suggest the specific limitation of a *client device requesting a security credential from an authentication service*, as recited in Appellants’ claim. Also, a smart receipt is not included in a document that describes an interface to access a service where the document is requested and received by a client device from a service device providing the service, as recited in claim 1. The Examiner’s reliance on Herman ‘353’s smart receipts, even if combined with Hermann and Humpleman is misplaced. Please refer to Appellants’ arguments above regarding the rejection of claim 1 for a more detailed discussion of the cited art failure to teach this limitation and rebutting the Examiner’s responses to Appellants’ arguments.

**Claim 38:**

**The cited art fails to teach or suggest the client device using the information from the document to access the service, wherein said using the information comprises a client on the client device requesting a security credential from an authentication service specified in the document.**

The Examiner relies on Herman ‘353, citing column 42, line 59 to column 43, line 31. Herman ‘353 teaches a “smart receipt” system in which a smart receipt is delivered from a merchant to a Trusted Agent Server where it is made available to the customer. Herman ‘353’s smart receipts electronically document a transaction between two parties.

Herman ‘353 teaches that “A Smart Receipt is delivered over a secure connection from the merchant to a Trusted Agent Server,” that “electronically document a

transaction between two parties” and that Smart Receipts maintain a persistent connection between two parties following a successful online transaction” (col. 42, lines 55-58).

However, Herman ‘353 does not describe a smart receipt as having anything to do with *requesting a security credential from an authentication service specified in the document*, as recited in claim 1. The fact that Herman ‘353’s smart receipts are “delivered over a secure connection” does not teach, suggest the specific limitation of a *client device requesting a security credential from an authentication service*, as recited in Appellants’ claim. Also, a smart receipt is not included in a document that describes an interface to access a service where the document is requested and received by a client device from a service device providing the service, as recited in claim 1. The Examiner’s reliance on Herman ‘353’s smart receipts, even if combined with Hermann and Humpleman is misplaced. Please refer to Appellants’ arguments above regarding the rejection of claim 1 for a more detailed discussion of the cited art failure to teach this limitation and rebutting the Examiner’s responses to Appellants’ arguments.

**Claim 50:**

**1. The cited art fails to teach or suggest the client receiving the security credential and including the security credential with a request to the service to access a capability of the service.**

The Examiner relies on the Smart Receipts of Hermann ‘353, citing col. 42, line 59-col. 43, line 31. However, Herman ‘353 does not teach or suggest, even if combined with the other cited art, a client receiving a security credential and including it with a request to the service to access a capability of the service. The Examiner’s reliance on the use of Secure Socket Layer (SSL) certificates with the Smart Receipts is misplaced. The use of SSL certificates in Hermann ‘353 do not involve a client including a security credential with a request to a service to access a capability of the service. Instead, the SSL certificates of Hermann ‘353 are only used for Smart Receipts that are “delivered

over a secure connection from the merchant to a Trusted Agent Server, where [the Smart Receipts are] stored and [are] made available to the customer” (Herman ‘353, col. 42, lines 59-62).

Moreover, the customer (or client) in Herman ‘353, even if combined with Hermann and Humpleman, does not include the SLL certificate in a request to a service to access a capability of the service. The SLL certificates used to deliver Smart Receipts are not included in a request by a client to the service to access a capability of the service.

**2. The cited art fails to teach or suggest the service verifying the client security credential before allowing access to the capability.**

The Examiner relies on the SSL certificates used when delivering Smart Receipts, citing col. 42, line 59-col. 43, line 31 of Herman ‘353. However, the Smart Receipts, nor the use of SSL certificates, taught by Herman ‘353 involve a service verifying a client security credential before allowing access to a capability of the service. Instead, as noted above regarding claims 1 and 13, the SSL certificates of Herman ‘353 are used when delivering Smart Receipts, which are not, and do not suggest, part of a client requesting access to a capability of a service and the service verifying the client security credential included in the request before allowing access to the capability.

No mention is made in Hermann, Humpleman or Herman ‘353, whether considered alone or in combination, of a service verifying a client security credential before allowing access to a requested capability of the service.

Thus, the Examiner’s combination of cited art fails to teach or suggest the limitation of claim 50. The rejection is therefore not supported by the cited art and removal thereof is respectfully requested.

**Claim 51:**

**1. The cited art fails to teach or suggest the client device configured to request a security credential from an authentication service specified in the document.**

The Examiner relies on Herman '353, citing column 42, line 59 to column 43, line 31. Herman '353 teaches a "smart receipt" system in which a smart receipt is delivered from a merchant to a Trusted Agent Server where it is made available to the customer. Herman '353's smart receipts electronically document a transaction between two parties.

As shown above, Herman '353 teaches that "A Smart Receipt is delivered over a secure connection from the merchant to a Trusted Agent Server," that "electronically document a transaction between two parties" and that Smart Receipts maintain a persistent connection between two parties following a successful online transaction" (col. 42, lines 55-58).

However, Herman '353 does not describe a smart receipt as having anything to do with *requesting a security credential from an authentication service specified in the document*, as recited in claim 51. The fact that Herman '353's smart receipts are "delivered over a secure connection" does not teach, suggest the specific limitation of a *client device requesting a security credential from an authentication service*, as recited in Appellants' claim. Also, a smart receipt is not included in a document that describes an interface to access a service where the document is requested and received by a client device from a service device providing the service, as recited in claim 51. The Examiner's reliance on Herman '353's smart receipts, even if combined with Hermann and Humpleman is misplaced.

**2. The cited art fails to teach or suggest the client receiving the security credential and including the security credential with a subsequent request to the service to access a capability of the service.**

The Examiner relies on the Smart Receipts of Hermann ‘353, citing col. 42, line 59-col. 43, line 31. However, Herman ‘353 does not teach or suggest, even if combined with the other cited art, a client receiving a security credential and including it with a subsequent request to the service to access a capability of the service. The Examiner’s reliance on the use of Secure Socket Layer (SSL) certificates with the Smart Receipts is misplaced. The use of SSL certificates in Hermann ‘353 do not involve a client including a security credential with a subsequent request to a service to access a capability of the service. Instead, the SSL certificates of Hermann ‘353 are only used for Smart Receipts that are “delivered over a secure connection from the merchant to a Trusted Agent Server, where [the Smart Receipts are] stored and [are] made available to the customer” (Herman ‘353, col. 42, lines 59-62).

Moreover, the customer (or client) in Herman ‘353, even if combined with Hermann and Humpleman, does not include the SLL certificate in a subsequent request to a service to access a capability of the service. The SLL certificates used to deliver Smart Receipts are not included in a request by a client to the service to access a capability of the service.

As shown above, the Examiner’s combination of cited art fails to teach or suggest all the limitations of Appellants’ claim.



## **CONCLUSION**

For the foregoing reasons, it is submitted that the Examiner's rejection of claims 1-33, 35-51 and 53-54 was erroneous, and reversal of his decision is respectfully requested.

The Commissioner is authorized to charge the appeal brief fee of \$510.00 and any other fees that may be due to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-72300/RCK. **This Appeal Brief is timely filed within the one month period from the mailing date of the Notice of Panel Decision. Accordingly, no extension of time fee should be due.** This Appeal Brief is submitted with a return receipt postcard.

Respectfully submitted,

/Robert C. Kowert/

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Date: October 19, 2007

## **VIII. CLAIMS APPENDIX**

The claims on appeal are as follows.

1. A method for accessing a proximity service, comprising:

a client device forming a direct point-to-point communication link with a service device;

the client device directly requesting to the service device a document that describes an interface to access a service provided by the service device;

the client device receiving said document directly from the service device, wherein said document comprises information describing how to access the service;

wherein said requesting and said receiving are performed over said direct point-to-point communication link; and

the client device using the information from said document to access the service, wherein said using the information from said document to access the service comprises a client on the client device requesting a security credential from an authentication service specified in said document.

2. The method as recited in claim 1, wherein said requesting comprises the client sending an advertisement request message for the service to the service device over the direct point-to-point communication link, wherein the advertisement request message is in a data representation language.

3. The method as recited in claim 2, wherein the data representation language is eXtensible Markup Language (XML).

4. The method as recited in claim 1, wherein said document comprises a service advertisement for the service, wherein said service advertisement comprises a schema specifying an interface to at least a portion the service.

5. The method as recited in claim 4, wherein said schema is an eXtensible Markup Language (XML) schema defining XML messages for a client on the client device to send to the service and the service to send to the client in order for the client to access capabilities of the service.

6. The method as recited in claim 5, wherein the client device using the information from said document comprises the client sending one or more of said XML messages to the service over said direct point-to-point communication link.

7. The method as recited in claim 1, wherein said receiving comprises receiving said document in an advertisement request response message sent from the service over said direct point-to-point communication link, wherein the advertisement request response message is in a data representation language.

8. The method as recited in claim 7, wherein the data representation language is eXtensible Markup Language (XML).

9. The method as recited in claim 1, wherein the client device is in physical proximity of the service device.

10. The method as recited in claim 1, wherein said direct point-to-point communication link is an IrDA infrared link.

11. The method as recited in claim 1, wherein the client device is in wireless proximity of the service device.

12. The method as recited in claim 1, wherein said requesting comprises including a client security credential in a request to said service device for said document, and wherein said service device authenticates said client security credential before sending said document to the client device.

13. The method as recited in claim 1, wherein said client device using the information from said document to access the service further comprises:

the client receiving said security credential; and

the client including said security credential with a subsequent request to the service to access a capability of the service.

14. The method as recited in claim 13, further comprising the service verifying the client's security credential before allowing access to the capability.

15. The method as recited in claim 14, wherein said authentication service is provided by the service device.

16. The method as recited in claim 1, wherein the client device supports a transport connection in addition to said direct point-to-point communication link, wherein said client device using the information from said document to access the service comprises the client device making said document available to other devices over said transport connection, wherein the client device provides a bridge from said transport connection to said direct point-to-point communication link so that the other devices may access the service.

17. The method as recited in claim 16, wherein said transport connection comprises a network connection.

18. The method as recited in claim 17, wherein said network connection

comprises an Internet connection.

19. A system, comprising:

a service device configured to support a direct point-to-point communication link and provide a service;

a client device configured to form said direct point-to-point communication link with the service device;

wherein the client device is further configured to directly request from the service device a document that describes an interface to access the service;

wherein the service device is further configured to provide said document directly to the client device over said direct point-to-point communication link;

wherein the client device is further configured to use the information from said document to access the service, and

wherein the client device is further configured to support a transport connection in addition to said direct point-to-point communication link, wherein said client device is further configured to make said document available to other devices over said transport connection and provide a bridge from said transport connection to said direct point-to-point communication link so that the other devices may access the service.

20. The system as recited in claim 19, wherein the client device is configured to request said document by sending an advertisement request message for the service to the service device over the direct point-to-point communication link, wherein the advertisement request message is in a data representation language.

21. The system as recited in claim 20, wherein the data representation

language is eXtensible Markup Language (XML).

22. The system as recited in claim 19, wherein said document comprises a service advertisement for the service, wherein said service advertisement comprises a schema specifying an interface to at least a portion the service.

23. The system as recited in claim 22, wherein said schema is an eXtensible Markup Language (XML) schema defining XML messages for a client on the client device to send to the service and the service to send to the client in order for the client to access capabilities of the service.

24. The system as recited in claim 23, wherein the client device is configured to use the information from said document to send one or more of said XML messages to the service over said direct point-to-point communication link.

25. The system as recited in claim 19, wherein the client device is configured to receive said document in an advertisement request response message sent from the service over said direct point-to-point communication link, wherein the advertisement request response message is in a data representation language.

26. The system as recited in claim 25, wherein the data representation language is eXtensible Markup Language (XML).

27. The system as recited in claim 19, wherein the client device is in physical proximity of the service device.

28. The system as recited in claim 19, wherein said direct point-to-point communication link is an IrDA infrared link.

29. The system as recited in claim 19, wherein the client device is in wireless proximity of the service device.

30. The system as recited in claim 19, wherein the client device is configured to include a client security credential in a request to said service device for said document, and wherein said service device is configured to authenticate said client security credential before sending said document to the client device.

31. The system as recited in claim 19, wherein said client device is configured to:

request a security credential from an authentication service specified in said document;

receive said security credential; and

include said security credential with a subsequent request to the service to access a capability of the service.

32. The system as recited in claim ~~[[32]]~~ 31, wherein the service is configured to verify the client's security credential before allowing access to the capability.

33. The system as recited in claim 32, wherein said authentication service is provided by the service device.

35. The system as recited in claim 19, wherein said transport connection comprises a network connection.

36. The system as recited in claim 35, wherein said network connection comprises an Internet connection.

37. A client device, comprising:

a port configured to form a direct point-to-point communication link with a service device;

an interface configured to directly request over the point-to-point communication link a document that describes an interface to access a service;

wherein the interface is further configured to receive said document directly from the service over the point-to-point communication link; and

wherein the interface is further configured to use the information from said document to access the service, wherein said using the information from said document to access the service comprises a client on the client device requesting a security credential from an authentication service specified in said document.

38. A service device, comprising:

a port configured to form a direct point-to-point communication link with a client device;

an interface configured to receive over the point-to-point communication link a request from a client for a document that describes an interface to access the service, wherein the interface is further configured to provide said document directly to the client over the point-to-point communication link;

an authentication service configured to receive a request from the client for a security credential; and

a service unit configured to be accessed by the client according to information specified in said document.

39. A tangible, computer accessible storage medium, comprising program instructions, wherein the program instructions are computer-executable on a client device



to implement:

forming a direct point-to-point communication link with a service device;

directly requesting to the service device a document that describes an interface to access a service provided by the service device;

receiving said document directly from the service device, wherein said document comprises information describing how to access the service;

wherein said requesting and said receiving are performed over said direct point-to-point communication link;

using the information from said document to access the service, and

wherein the client device is further configured to support a transport connection in addition to said direct point-to-point communication link, wherein said client device is further configured to make said document available to other devices over said transport connection and provide a bridge from said transport connection to said direct point-to-point communication link so that the other devices may access the service.

40. The tangible, computer accessible storage medium as recited in claim 39, wherein said requesting comprises the client sending an advertisement request message for the service to the service device over the direct point-to-point communication link, wherein the advertisement request message is in a data representation language.

41. The tangible, computer accessible storage medium as recited in claim 40, wherein the data representation language is eXtensible Markup Language (XML).

42. The tangible, computer accessible storage medium as recited in claim 39, wherein said document comprises a service advertisement for the service, wherein said

service advertisement comprises a schema specifying an interface to at least a portion the service.

43. The tangible, computer accessible storage medium as recited in claim 42, wherein said schema is an eXtensible Markup Language (XML) schema defining XML messages for a client on the client device to send to the service and the service to send to the client in order for the client to access capabilities of the service.

44. The tangible, computer accessible storage medium as recited in claim 43, wherein said using the information from said document comprises the client sending one or more of said XML messages to the service over said direct point-to-point communication link.

45. The tangible, computer accessible storage medium as recited in claim 39, wherein said receiving comprises receiving said document in an advertisement request response message sent from the service over said direct point-to-point communication link, wherein the advertisement request response message is in a data representation language.

46. The tangible, computer accessible storage medium as recited in claim 45, wherein the data representation language is eXtensible Markup Language (XML).

47. The tangible, computer accessible storage medium as recited in claim 39, wherein the client device is in physical proximity of the service device.

48. The tangible, computer accessible storage medium as recited in claim 39, wherein said direct point-to-point communication link is an IrDA infrared link.

49. The tangible, computer accessible storage medium as recited in claim 39, wherein the client device is in wireless proximity of the service device.

50. The tangible, computer accessible storage medium as recited in claim 39,

wherein said requesting comprises including a client security credential in a request to said service device for said document, and wherein said service device authenticates said client security credential before sending said document to the client device.

51. The tangible, computer accessible storage medium as recited in claim 39, wherein said using the information from said document to access the service comprises:

a client on the client device requesting a security credential from an authentication service specified in said document;

the client receiving said security credential; and

the client including said security credential with a subsequent request to the service to access a capability of the service.

53. The tangible, computer accessible storage medium as recited in claim 39, wherein said transport connection comprises a network connection.

54. The tangible, computer accessible storage medium as recited in claim 53, wherein said network connection comprises an Internet connection.

## **IX. EVIDENCE APPENDIX**

No evidence submitted under 37 CFR §§ 1.130, 1.131 or 1.132 or otherwise entered by the Examiner is relied upon in this appeal.

**X.     RELATED PROCEEDINGS APPENDIX**

There are no related proceedings.